

Bills have carefully examined and compared

Substitute Senate bill No. 84, being "An Act to regulate the practice of dentistry in the State of Texas, to provide for the appointment of a board of dental examiners, prescribing their duties, and to repeal all laws and parts of laws in conflict with this act."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 218, being "An Act to provide for a more efficient system of public free schools for the State of Texas; defining the school funds; providing for the investment of the permanent fund, and the apportionment of the available fund; defining the duties of certain State officers in reference to the public free schools; creating the offices of State and county superintendents, providing for their election and salaries, and prescribing their qualifications and duties; prescribing the duties of other officers in reference to the public schools and public school funds; making county judges ex officio county superintendents in all counties not having county superintendents, and providing for their compensation; providing for reports of school officers and teachers; providing for the creation of school districts in all of the counties of this State; providing for the election of school trustees and prescribing their qualifications and duties; providing for the creation of county line districts; providing for levying and collecting special taxes for the further maintenance of the public free schools and the erection of school houses; providing for the issuance of common school district bonds for building purposes, and providing a sinking fund therefor; providing for the creation of independent school districts at eleemosynary institutions and appointment of trustees therefor; providing for independent school districts in cities and towns and in towns and villages and in independent districts incorporated for school purposes only; providing for the issuance of bonds for school purposes by independent districts, and creating sinking funds therefor; providing for the levy of special taxes by independent districts; providing for election of school trustees in independent districts and prescribing their qualifications and duties and naming

and enumerating the officers of independent district school boards and the duties and powers thereof; providing for school houses and school supplies; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths; providing penalties for refusing to answer questions regarding the age of children and other penalties regarding violations of the provisions of this act; regulating the transfer of the school fund; providing separate schools for white and for colored children and prescribing the studies to be taught therein; fixing the scholastic year and length of the school month; providing for boards of examiners and the issuance of teachers' certificates; providing for compensation and prescribing the duties of teachers employed thereunder; providing for the extension of teachers' certificates; providing for the cancellation of teachers' certificates; providing for the teaching of manual training; regulating conveyances and bequests for the benefit of the public schools; repealing certain laws, and declaring an emergency."

And find the same correctly engrossed.

BARRETT, Chairman.

ENROLLING DEPARTMENT,

Committee Room,

Austin, Texas, March 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 230, being "An Act to permit persons liable to road duty in Comal county to pay \$3 a year in lieu of working the road, and to exempt Comal from Article No. 4733 of the Revised Statutes of the State of Texas."

And find the same correctly enrolled, and have this day delivered the same to the Governor, at 10:12 a. m. o'clock, for his approval.

TERRELL, Chairman.

FORTY-THIRD DAY.

Senate Chamber,

Austin, Texas,

Friday, March 17, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal presiding.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Beaty. Hale.

Prayer by Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Skinner the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Harper:

Hayes, Robertson Co., Texas,
March 13, 1905.

To the Honorable A. J. Harper, State Senate, Austin, Texas.

Dear Sir: We, the undersigned citizens and farmers of this community, recognizing that the farmers and land owners bear a much larger portion of the burden of taxation than they should, and that the corporations doing business in the State pay far less tax than they should, urge you to use your utmost influence to secure in the Senate the passage of the Bowser bill, the Love bill, the Williams intangible assets bill, which have passed the House, and also the Kennedy bill, if the latter reaches the Senate. We object to raising the ad valorem rate of taxation.

Numerously signed.

By Senator Chambers:
Mt. Pleasant, Texas, R. F. D. No. 1,
March 11, 1905.

To the Honorable Chambers,
We, the undersigned, your constituents, and farmers and citizens of your Senatorial District, do respectfully request that you use your influence to enact into law the following bills passed by the House and now pending in your honorable body, to-wit:

- (1) The Bowser bill, taxing insurance companies.
- (2) The Love bill, taxing railroad companies.
- (3) Also the Kennedy bill.

Also, if you deem it consistent, to

oppose any increase of ad valorem taxes.

Numerously signed.

By Senator Chambers:

Charleston, Delta County, Texas.

March 12, 1905.

Hon. Chambers, State Senator.

Dear Sir: We, the undersigned citizens, beg leave to ask of you as our representative, to support those measures already passed and those now pending in the House, the Bowser bill, taxing insurance companies; the Love bill, taxing the railroad companies, and the Williams intangible bill, and to protest against any increase in the ad valorem rate of taxation.

Numerously signed.

By Senator Stokes:

Dodson, Houston County, Texas.

To the Hon. Senate of Texas: We, the undersigned citizens do hereby petition and pray you to pass the Bowser, Love, Kennedy and other like bills that have been passed by the House. We do beseech you to increase the taxes on corporations and companies and not the farmers.

Numerously signed.

By Senator Stokes.

Forest, Texas, March 12, 1905.

To the Hon. C. C. Stokes, Austin, Texas.

Dear Sir: We, your petitioners, beg leave to call your attention to certain bills, now pending before the State Senate, to-wit, the Bowser, the Love, Kennedy and the Williams bills.

We, as farmers of your district, are perfectly willing to bear our just portions of the burden of taxation, but we think it nothing but fair and right that other callings should do the same.

Since we, as a class, have never been extravagant in our demands upon the lawmaking body of the State, we sincerely hope you will use your utmost endeavors to pass those bills, and that you will try to defeat any measure looking to a raise in ad valorem rate of taxation.

Numerously signed.

By Lieutenant Governor Neal.

To the State Senate, Austin, Texas:

There being a deficiency of \$1,290,000 in the State Treasury, and seeing that our lawmakers are working to supply that deficiency, we, the undersigned farmers and citizens of Bell county, ask that the Senate now pass the bills which have already been passed in the House assessing taxes on insurance companies, railroad companies and corporations which, we believe, should pay taxes the same as the farming classes.

Numerously signed.

By Senator Meachum:

Senate Chamber,
Twenty-ninth Legislature,
Austin, Texas.

Hon. George D. Neal, Lieutenant Governor and President. Hon. W. A. Hanger, President Pro Tem.

Austin, Texas, March 2, 1905.

Hon. Jos. W. Bailey and Charles A. Culberson, United States Senators, Washington, D. C.

Dear Sirs: A letter has recently been written you, signed by Senators Decker, Griggs and Willacy, requesting that you call upon the Italian Ambassador, Baron E. Mayor des Planches, and invite him to visit Texas for the purpose of seeing the advantages which our State offers to desirable settlers, and also to meet our citizens, and we wish to add our request to the one made by our fellow Senators above named and we trust that Baron E. Mayor des Planches will visit Texas and reach Austin during the session of the Legislature. Thanking you for prompt attention, we are, yours very truly,

Signed—George D. Neal, A. S. Hawkins, Joseph Faust, W. M. Holland, R. N. Stafford, Arch Grinnan, E. C. Smith, A. P. Barrett, C. C. Stokes, J. M. Hale, W. A. Hanger, Marshall Hicks, A. J. Harper, R. W. Martin, T. P. Stone, McDonald Meachum, A. B. Davidson, C. L. Brachfield and B. F. Looney.

Regia Ambasciata D'Italia.

Washington, D. C., March 10, 1905.

Hon. Sir: I want to promptly thank you personally and, through you, the Honorable Members of the Texas Congress not only for the kind interest they have taken in my eventual trip to your State, but also for all the courtesies and the facilities they have prepared to offer me, so that I may be able to see your State at the best advantage.

No doubt I shall devote some of my time (but how long, I do not yet know exactly, as it will depend on the amount of my official business here in Washington) to visit the different sections of Texas. The exact date of my excursion has not yet been fixed, but it will take place in April. And as soon as my departure's date is arranged, I shall put no delay in informing you of same.

I beg you, Honorable Sir, to accept my kindest regards and to believe me, at the same time, very truly yours,

E. MAYOR DES PLANCHES,
Royal Italian Ambassador.

Hon. R. D. Bowen, Paris, Texas.

(See Appendix for committee reports.)

BILLS AND RESOLUTIONS.

No bill introduced.

Morning call concluded.

HOUSE BILL NO. 87—PENDING BUSINESS.

The Chair here laid before the Senate on second reading, as pending business,

House bill No. 87, a bill to be entitled "An Act to amend Sections 1, 3 and 4, of Chapter 97, page 127, Acts of the Regular Session of the Twenty-eighth Legislature, authorizing the sale of certain portions of the public free school, university and asylum lands to railroad companies owning, operating or constructing railroads in this State for the location and establishment of town sites, depots, stations, yards, roundhouses, shops, divisional terminals or water stations, and to prescribe the terms and conditions of such sales; to authorize the Commissioner of the General Land Office or the board of regents of the State University, as the case may be, to fix the price of such lands when sold for such purposes."

Question being on the amendment to the amendment offered by Senator Smith to the amendment offered by Senator Looney on yesterday.

By unanimous consent both amendments were withdrawn by the respective authors of same.

Senator Looney then offered the following amendment:

Amend the bill by adding to Section 3, as follows: "Provided that the title to all minerals on or under the surface of any land acquired hereunder, except lands acquired for town site purposes, shall not pass, but shall remain the property of the public free schools, university or asylum, as the case may be."

Senator Hawkins offered the following amendment to the amendment: Amend the amendment by adding after the words "townsite purposes," "depots, stations, yards, divisional terminals, shops and roundhouses."

The amendment to the amendment was adopted.

Senator Terrell moved to table the amendment as amended and that motion was adopted by the following vote:

Yeas—20.

Barrett.	Hanger.
Chambers.	Harbison.
Davidson.	Hawkins.
Decker.	Hicks.
Faulk.	Hill.
Faust.	Holland.
Griggs.	Martin.
Grinnan.	Meachum.

Stafford. Terrell.
Stone. Willacy.

Nays—8.

Brachfield. Paulus.
Glasscock. Skinner.
Harper. Smith.
Looney. Stokes.

Absent.

Beaty. McKamy.
Hale.

Senator Brachfield offered the following amendment, which was adopted:

Amend by adding after the word "site," in line 18, page 3, the following: "that no town shall be established within five miles from any town now in existence or may hereafter be located."

Senator Glasscock offered the following amendment:

Amend by striking out the words "six hundred and forty," in line 15, page 3, of Section 3, and insert in lieu thereof the words "one hundred and sixty."

On motion of Senator Willacy, the amendment was tabled.

Senator Smith offered the following amendment:

Amend Section 3, page 3, line 17, by inserting after the word "exceeding," "one-half undivided interest in."

And amend line 18, page 3, by adding after the word "site," the following: "but such railway company shall be required to plat and divide said land into blocks and lots, and each alternate lot shall belong to said railway company, and the balance thereof remain the property of the public school, asylum or University land of which the same is a part."

Senator Decker moved to table the amendment, but pending Senator Smith's discussion of same, he withdrew same, without objection.

(Senator Willacy in the chair.)

Senator Holland moved the previous question on the amendment and the bill, the same being duly seconded it was so ordered.

The amendment was lost by the following vote:

Yeas—7.

Brachfield. Looney.
Glasscock. Paulus.
Hanger. Smith.
Harper.

Nays—20.

Barrett. Hawkins.
Chambers. Hicks.
Decker. Hill.
Faulk. Holland.
Faust. Martin.
Griggs. McKamy.
Grinnan. Meachum.
Harbison. Stafford.

Stokes. Terrell.
Stone. Willacy.

Absent.

Beaty. Hale.
Davidson. Skinner.

Bill read second time and passed to a third reading.

On motion of Senator Hawkins, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett. Hicks.
Brachfield. Hill.
Chambers. Holland.
Decker. Looney.
Faulk. Martin.
Faust. Meachum.
Glasscock. Paulus.
Griggs. Skinner.
Grinnan. Smith.
Hanger. Stafford.
Harbison. Stokes.
Harper. Stone.
Hawkins. Willacy.

Absent.

Beaty. McKamy.
Davidson. Terrell.
Hale.

The bill was read third time and passed.

Senator Hawkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(Lieutenant Governor Neal in the chair.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, March 17, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 235, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Lancaster, in the county of Dallas, and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the 'Lancaster Independent School District,' with all the power, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

Senate bill No. 252, a bill to be en-

titled "An Act to create a more efficient road system for Harris county, in the State of Texas, and authorizing the county commissioners court of Harris county to lay out, build and construct roads, bridges and approaches; the paving of streets and connecting roads with paved streets in the city of Houston, and authorizing the creation of road districts, and the issuance of bonds for the payment of such improvements, as authorized under the Constitution of the State of Texas, and the provisions of this Act, and declaring an emergency."

Senate bill No. 201, a bill to be entitled "An Act creating an independent school district to be known as the Ballinger independent school district, including within its limits the municipal corporation of the town of Ballinger, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect such special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board," with amendments.

House has adopted Senate concurrent resolution No. 9, requesting the Governor to return Senate bill No. 11.

Also refused to concur in Senate amendments to House bill No. 227, and free conference committee is requested, and the following have been appointed on part of the House: Sevier, Cranke, Wilson, Murray of Wilson, Browne of Karnes.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

FREE CONFERENCE COMMITTEE APPOINTED.

The Chair here appointed the following free conference committee on Senate bill No. 154, on part of the Senate: Senators Grinnan, Hawkins and Decker.

On House bill No. 277: Senators Davidson, Willacy and Holland.

HOUSE AMENDMENTS TO SEN- ATE BILL NO. 201 CON- CURRED IN.

Senator Grinnan called up
Senate bill No. 201, a bill to be en-

titled "An Act creating an independent school district, to be known as the Ballinger independent school district, including within its limits the municipal corporation of the town of Ballinger, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect such special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board."

And moved that the Senate concur in the following House amendments:

Amend Section 19 by striking out "twenty-five cents," wherever it occurs in said section, and insert "twenty cents."

Also amend said Section 19 by striking out "one-fourth of one per cent," and insert "one-fifth of one per cent."

Also amend said Section 19 by adding after "the," in line 14, page 6, the following: "qualified property tax-paying voters of said district shall have voted at said election in favor of such tax and the issuance of said bond."

Also strike out all of Section 19 after the word "the," in line 14, page 6.

Amend Section 1, line 9, page 3, by striking out all of 9 and 10 and add the following: "That said town of Ballinger, a municipal corporation therein incorporated under the general laws, relating to cities and towns, not having assumed control of the public schools within its corporate limits."

Also amend Section 9, page 4, line 25, by striking out "one," in said line, and insert "four," and add after the word "collector," in said line, the following: "such corporation as the board of trustees may allow."

Amend by adding after Section 30 the following:

"Section 31. Before the bonds authorized by their act are offered for sale, the Attorney General shall officially certify to their validity in the same manner as is provided by law in cases where any county, city or town in this State issues or offers bonds for sale."

Amend the figures "51" of the emergency clause so as to read "Section 32."

The motion was adopted by the following vote:

Yeas—29.

Barrett.	Chambers.
Brachfield.	Davidson.

Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Smith.
Harbison.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	Terrell.
Hill.	Willacy.
Holland.	

Absent.

Beaty.	Hale.
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Senator Grinnan moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

HOUSE AMENDMENTS TO SUBSTITUTE SENATE BILL NO. 12 CONCURRED IN.

Senator Hicks called up Substitute Senate bill No. 12, a bill to be entitled "An Act to compel all corporations in this State owning, leasing or operating a municipal franchise to file annual reports, and providing penalties for violation of same."

And moved that the Senate concur in the following House amendments:

Amend by adding after the word "business," in line 22, page 2, of the printed bill, the following: "And there shall also be filed at the same time a true copy of said reports with the clerk of the County Court of the county in which such corporation has its principal place of business, and by said clerk delivered to the Commissioners Court," and by inserting in line 22, page 2, the word "reports," in lieu of the word "report."

Amend Section 5 by inserting between the words "shall" and "fail" the word "wilfully."

Amend Section 1, on page 1, in line 31, after the word "public," by inserting the following words: "And sewerage company furnishing sewerage to the public."

On page 3 amend line 28, after the word "received," by inserting the following words: "For sewerage."

Amend line 7, on page 4, by inserting after the word "for," the word "sewerage."

Amend the caption by inserting the words "and sewerage company" after the word "gas" in line 10.

Amend Section 5 by striking out the same and substituting therefor the following:

Sec. 5. Any such corporation as described in Section 1 of this Act which shall for thirty days wilfully fail or refuse to file the reports, in the manner provided by this Act, shall forfeit and pay to the State \$100 for each and every day during which it shall continue in default, which shall be recovered by suit in a court of competent jurisdiction by the Attorney General of the State of Texas.

Amend caption by inserting the words "twenty-five hundred" in lieu of the words "five thousand."

Amend Section 1 by striking out the words "on the first Monday," in line 25, and the words "in September," in line 26, and inserting in lieu thereof the words "on or before the 1st day of March."

Amend Section 4 by striking out the words "on the first Monday in September," in lines 20 and 21, page 2, and inserting in lieu thereof the words "on or before the 1st day of March."

Amend Section 1, by inserting after the word "over," in line 22, the words "twenty-five hundred" in lieu of the words "five thousand."

Amend line 23, page 1, by inserting after the word "population," the following: "According to the last official census of the United States."

Amend Section 6 by adding at the end of line 1, page 2, the following: "Giving each separately;" also by adding at the end of line 3, the following "Giving each separately."

The motion to concur was adopted. Senator Hicks moved to reconsider the vote by which amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

SUBSTITUTE SENATE BILLS NOS. 5 AND 79—REFUSED TO CON- CUR IN HOUSE AMEND- MENTS.

Senator Skinner called up

Substitute Senate bills Nos. 5 and 79, a bill to be entitled "An Act to amend Title XL, Chapter 2, Revised Civil Statutes of the State of Texas of 1895, by adding Article 2274a, and amending Articles 2282 and 2284 of said title and chapter, relating to notice for the manner of taking depositions in civil cases."

And moved that the Senate do not concur in the following amendments:

By striking out all after the enacting clause and inserting in lieu thereof the following:

Article 2274. A party wishing to

take the depositions of a witness in a suit pending in court may in any case propound written interrogatories to such witness, and if the deposition is taken in the county in which the suit is pending the party taking the deposition shall have the privilege, if he so desires, to examine the witness upon oral interrogatories instead of upon written interrogatories. If not taken in the county in which the suit is pending the party taking the deposition must propound his direct interrogatories in writing, unless by the consent of the opposing party or his attorney, this requirement is waived, in which latter event he may examine the witness orally in the same manner as if the deposition were taken in the county in which the suit is pending. The party entitled to cross-examine said witness shall in all cases have the right, if he so desires, to propound his cross-interrogatories orally, provided he files with the clerk or the justice of the peace, prior to the issuance of the commission, written notice of his intention to so cross-examine orally. If the witness is cross-examined orally the party taking his deposition may thereupon in redirect examination of the witness propound oral interrogatories. A party wishing to take the deposition of a witness in a suit pending in court shall file with the clerk or justice of the peace, as the case may be, a notice of his intention to apply for a commission to take the deposition of the witness, stating in said notice the name and residence of the witness, the number of the suit, the names of the parties plaintiff and defendant therein in which the deposition is to be used, and the time and place where such deposition is to be taken, designating the place with such particularity as to enable the party entitled to cross-examine such witness to be present at the taking of said deposition, if he so desires, and if the deposition is to be taken upon written interrogatories, a copy of the interrogatories must accompany said notice, and a copy of said notice, and of the attached interrogatories, if any, shall be served upon the adverse party, or his attorney of record, ten days before the issuance of the commission, and whenever the adverse party is a corporation, or a joint stock association, service may be made upon the president, secretary or treasurer of such corporation or association, or upon the local agent representing such corporation or association, in the county in which the suit is pending, or by leaving a copy of the notice and attached interrogatories, if any, at the

principal office of such corporation or association, during office hours; if the party upon whom such notice is served shall deem the description therein of the place where the deposition is to be taken insufficient to enable him to find the same, he must file with the clerk or justice of the peace before the commission issues his written exception to the sufficiency of said description, stating specifically wherein the same is insufficient, and thereupon the party desiring to take the deposition shall file with the clerk or justice of the peace before the commission issues such further description as will meet the objections so pointed out.

Section 2. That Article 2278 of the Revised Civil Statutes of Texas shall hereafter read as follows:

Article 2278. Whenever notice of intention to apply for a commission to take the deposition of a witness is filed the opposite party may file cross-interrogatories at any time before the commission issues, and a copy of the same shall accompany the commission and shall be answered and returned therewith. Provided, however, that if such party shall file notice as is provided above in Article 2274 of his intention to cross-examine orally, no such copy of his written cross-interrogatories, if any have been filed, shall accompany the commission, but in lieu thereof a copy of his notice of intention to cross examine orally shall accompany the commission.

Section 3. That Article 2280 of the Revised Civil Statutes of Texas shall hereafter read as follows:

Article 2280. The style of the commission shall be "The State of Texas," and it shall be dated and tested as other process. It shall be addressed to the several officers named in the succeeding article and shall authorize and require them or either of them, to summon the witness to appear before him at the time and place named in the notice of intention to apply for a commission, and shall authorize and require the officer to whom the commission is addressed to take the answers of the witness, under oath, to such oral interrogatories and cross interrogatories as may then be propounded to said witness, and to such written interrogatories and cross interrogatories as may accompany the commission, provided, however, that the witness shall not answer any oral cross interrogatories propounded by the same party whose written cross interrogatories may accompany the commission, and the commission shall require the officer taking the deposition to return without

delay to the justice of the peace or clerk of the proper court, giving his official and postoffice address, the commission and all interrogatories and cross interrogatories, and the answers of the witness thereto. The deposition of a witness may be taken at the place named in the notice of intention to apply for the commission, irrespective of whether such place is in the county of the witness' residence or not; provided, however, that no witness can be compelled to go out of the county of his residence for the purpose of having his deposition taken at a place outside of his county.

Section 4. That Article 2284 of the Revised Civil Statutes of Texas shall hereafter read as follows:

Article 2284. Upon the appearance of the witness the officer to whom the commission is directed shall proceed to take his deposition. Provided, however, that he may for good cause postpone the taking of said deposition to some future day, not exceeding ten days therefrom. If the party so appearing shall not be personally known to the officer to be the person named as the witness in the notice of intention to apply for the commission, such officer shall require evidence to be given of the identity of such person, who may appear as the witness named in said notice. All oral interrogatories and cross interrogatories, and the answers of the witness to all interrogatories and cross interrogatories, whether oral or written, shall be reduced to writing, and such answers shall be signed and sworn to by the witness. The officer shall certify that the answers of the witness were signed and sworn to by the witness before him, and shall certify that the witness is personally known to him, or if he is not so personally known to the officer, then he shall certify the evidence which has been furnished to him of the witness' identity, and he shall seal up said answers in an envelope, together with the commission and interrogatories and cross interrogatories, if any, and shall write his name across the seal and endorse on the envelope the names of the parties to the suit and of the witnesses, and shall direct the package to the justice of the peace or clerk of the court from which the commission issued. If the taking of the deposition can not be completed in one day the officer taking the same may adjourn from day to day until its taking is completed, and he may for proper cause adjourn for more than one day, not to exceed ten days, and he shall in his certificate state such adjournments, if any, and the cause for the same.

Section 5. That Article 2285 of the Revised Civil Statutes of Texas shall hereafter read as follows:

Article 2285. The officer executing such commission shall have authority, when he shall deem it expedient, to summon and swear an interpreter to facilitate the taking of the deposition, and when the witness is to be examined upon oral interrogatories and cross interrogatories, if the officer taking the deposition is not himself a stenographer, a stenographer may be summoned and sworn to assist in taking and reducing to writing such oral interrogatories and cross interrogatories, and the answers of the witness thereto.

Section 6. That Article 2289 of the Revised Civil Statutes of Texas shall hereafter read as follows:

Article 2289. When a deposition shall have been filed in the court at least one entire day before the day on which the case shall be called for trial, no objection to the form thereof or to the manner of taking the same shall be heard, unless such objections are in writing and notice thereof is given to the opposite counsel before the trial commences. Provided, however, that such objection shall be made and determined at the first term of the court after the deposition has been filed and not thereafter. And provided further, that when the witness has been examined upon oral interrogatories or cross interrogatories, any objection to the form of such oral interrogatories or cross interrogatories, or to the form of any answer thereto, shall be deemed waived unless objected to at the time that the question is asked or the answer made, and noted by the officer by whom the deposition is taken.

The motion to not concur in the amendments was adopted, and a Free Conference Committee was requested, and the following on the part of the Senate were appointed: Senators Skinner, Stafford and Harper.

SENATE BILL NO. 252—HOUSE AMENDMENTS CON- CURRED IN.

Senator Griggs called up

Senate bill No. 252, a bill to be entitled "An Act to create a more efficient road system for Harris county, in the State of Texas, and authorizing the county commissioners court of Harris county to lay out, build and construct roads, bridges and approaches; the paving of streets and connecting roads with paved streets in the city of Houston, and authorizing

the creation of road districts, and the issuance of bonds for the payment of such improvements, as authorized under the Constitution of the State of Texas and the provisions of this act, and declaring an emergency."

And moved that the following House amendments be concurred in:

Committee Amendments.

(1)

Substitute the word "fifty" for the word "five" in the third line of Section 1 of this bill.

(2)

In line 13 of Section 2, after the word "however" insert the following: "That such district shall not include parts of two or more commissioners' precincts, and provided."

(3)

Strike out of lines 15 and 16 of Section 5 the following: "Of the bayous, waterways and."

The motion to concur was adopted by the following vote:

Yeas—28.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.	McKamy.
Hale.	

Senator Griggs moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, March 17, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 573, a bill to be entitled "An Act creating the Grand

Saline independent school district in Van Zandt county, Texas, and defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, investing the said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, conferring upon the board of trustees thereof and charging them with the rights, powers, privileges and duties, which by the General Laws of this State are conferred and imposed upon trustees of independent school districts incorporated under the General Laws, and applying to said Grand Saline independent school district all of the General Laws now in force, applicable to independent school districts incorporated or created under Article 616a of the Revised Civil Statutes of the State of Texas, and declaring an emergency."

Also

House bill No. 574, a bill to be entitled "An Act to create a special road law for Titus county, Texas."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Neal) had read and referred, after their captions had been read, the following House bills:

House bill No. 573, to the Committee on Education.

House bill No. 574, to the Committee on Roads, Bridges and Ferries.

(See above House message for caption.)

(Senator Willacy in the chair.)

SENATE BILL NO. 161—PASSAGE OF.

On motion of Senator Meachum, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 161, by the following vote:

Yeas—25.

Barrett.	Harbison.
Brachfield.	Harper.
Decker.	Hawkins.
Faust.	Hicks.
Grinnan.	Hill.
Glasscock.	Holland.
Griggs.	Looney.
Hanger.	Martin.

McKamy.
Meachum.
Paulus.
Skinner.
Stafford.

Stokes.
Stone.
Terrell.
Willacy.

Nays—3.

Chambers.
Faulk.

Absent.

Beaty.
Davidson.

Hale.

The Chair laid before the Senate, on second reading,

Senate bill No. 161, a bill to be entitled "An Act to set aside certain rooms in the capitol building for use of the department of Public Health and Vital Statistics, and declaring an emergency."

Senator Decker offered the following amendment:

Amend the bill by adding after line 20, page 1, of printed bill: "provided, further, that no further opening in walls shall be made."

Senator Skinner offered the following substitute for the amendment:

Amend the bill by adding the following after the word "statistics," in line 20: "provided, further, that the change proposed can be made without endangering the safety of the wall through which said door is to be cut."

On motion of Senator Terrell, the amendment was tabled.

The amendment by Senator Decker was then adopted.

Senator Hanger moved to postpone further action on this bill for an indefinite time, and

Senator Glasscock moved as a substitute for the motion that the bill be postponed till Wednesday, the 22d.

(Lieutenant Governor Neal in the chair.)

Senator Hanger moved to table the substitute motion, which was adopted by the following vote:

Yeas—15.

Chambers.
Davidson.
Decker.
Faulk.
Faust.
Griggs.
Hanger.
Hill.

Holland.
Looney.
Martin.
Smith.
Stokes.
Terrell.
Willacy.

Nays—12.

Barrett.
Brachfield.
Glasscock.
Harbison.

Harper.
Hawkins.
Hicks.
McKamy.

Meachum.
Skinner.

Stafford.
Stone.

Absent.

Beaty.
Grinnan.

Hale.
Paulus.

The motion to postpone indefinitely was then adopted by the following vote:

Yeas 17.

Chambers.
Davidson.
Decker.
Faulk.
Faust.
Griggs.
Hanger.
Hill.
Holland.

Looney.
Martin.
McKamy.
Smith.
Stokes.
Stone.
Terrell.
Willacy.

Nays—10.

Barrett.
Brachfield.
Glasscock.
Harbison.
Harper.

Hawkins.
Hicks.
Meachum.
Skinner.
Stafford.

Absent.

Beaty.
Grinnan.

Hale.
Paulus.

Senator Hanger moved to reconsider the vote by which the bill was postponed indefinitely, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 290—PASSAGE OF.

On motion of Senator Harbison, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 290.

Senate bill No. 290, a bill to be entitled "An Act to amend Section 118 of an Act of the Legislature of the State of Texas, entitled 'An Act to incorporate the city of Denison, in Grayson county, Texas.'"

The committee report was adopted.

Bill read second time and ordered engrossed. On motion of Senator Harbison the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.
Brachfield.

Chambers.
Davidson.

Decker.	Holland.
Faulk.	Looney.
Faust.	Martin.
Glasscock.	McKamy.
Griggs.	Meachum.
Hanger.	Skinner.
Harbison.	Smith.
Hill.	Stafford.
Hicks.	Stokes.
Harper.	Stone.
Hawkins.	

Absent.

Beaty.	Paulus.
Grinnan.	Terrell.
Hale.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—25.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Skinner.
Griggs.	Smith.
Hanger.	Stafford.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	

Absent.

Beaty.	Paulus.
Grinnan.	Terrell.
Hale.	Willacy.

Senator Harbison moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 281—PASSAGE OF.

On motion of Senator Holland, the pending order of business, House bill 67, was suspended, and the Senate took up, out of its order, Senate bill No. 281.

The Chair laid before the Senate on second reading,

Senate bill No. 281, a bill to be entitled "An Act ratifying and confirming an ordinance passed by the Board of Commissioners of the City of Galveston on the 13th day of March, 1905, entitled 'An Ordinance abandoning, closing and discontinuing certain streets, avenues and alleys of the city of Galveston, and authorizing and empowering M. A. Low and his heirs and assigns, to construct and perpetually maintain piers, docks, wharves, warehouses, depots, platforms, tracks and

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elevators, and to dredge or fill between and on the sides of such piers, docks, wharves, warehouses, depots, platforms, tracks and elevators, on the shores of Galveston Bay, within the corporate limits of the city of Galveston, upon certain specified conditions, and conditionally relinquishing any claim the State of Texas may have to part of the land therein described."

(Senator McKamy in the chair.)

Senator Holland here exhibited a published notice of the mention of the passage of this bill.

Bill read second time and ordered engrossed.

On motion of Senator Holland the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Skinner.
Hanger.	Smith.
Harbison.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	Willacy.

Absent.

Beaty.	Hale.
Decker.	Paulus.
Glasscock.	Terrell.
Grinnan.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Brachfield.	Hicks.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Skinner.
Griggs.	Smith.
Hill.	Stafford.
Holland.	Stokes.
Hanger.	Stone.
Harbison.	Willacy.
Harper.	

Absent.

Beaty.	Hale.
Glasscock.	Paulus.
Grinnan.	Terrell.

Senator Holland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 137—(GHOST BILL.)

On motion of Senator Looney, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 137.

The Chair laid before the Senate, on second reading,

Senate bill No. 137, a bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections and experiments by authorized persons."

Senator Stone offered the following amendment, which was adopted:

Amend by striking out the words "liable to a fine not exceeding," in lines 5 and 6, page 5, and insert in lieu thereof the following: "fined not less than," and further amend by adding after the word "dollars," in line 6, page 5, the following: "nor more than one thousand dollars."

Senator Davidson offered the following amendment:

Amend the bill by striking out all that portion of the bill in Section 2, after the word "municipality," in line 1, down to the line 11, to the word "or bodies," and substituting in lieu thereof the following: "and the purpose of this bill being to aid those engaged in their life study in the practice of medicine and surgery, and being necessary to fully perfect their efficiency in their profession, it is therefore made the duty of all public officers as hereinabove stated to deliver to the board, which is by this bill created, the bodies of all deceased physicians who die within their county, State or town, for the purpose of use as in the other portions of this bill provided."

Senator Meachum offered the following amendment to the amendment:

Amend the amendment by adding after the word "physicians," the words "and lawyers."

Pending a motion to table the amendment to the amendment, Senator Meachum withdrew same.

Pending prolonged discussion on the amendment, the bill was postponed until next Wednesday morning.

SIMPLE RESOLUTION.

By Senator Decker:

Resolved, That the Secretary of the Senate be required to immediately furnish to the Attorney General a copy

of Senate resolution requiring said official to furnish information to the Senate with regard to the powers exercised by oil companies not embraced in their chartered rights.

The resolution was adopted.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

Committee Room,

Austin, Texas, March 17, 1905.

Hon. Geo. D. Neal, President of the Senate, and

Hon. F. W. Seabury, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee, appointed to correct Senate bill No. 62, a bill to be entitled "An Act to amend Article 34, Penal Code of Texas, permitting persons under the age of 9 years to be punished with the offense of perjury," beg leave to make the following report: Strike out the word "with" in the caption of the bill and insert in lieu thereof the word "for," so the caption shall read "An Act to amend Article 34, Penal Code of Texas, permitting persons under the age of 9 years to be punished for perjury."

GREENWOOD, Chairman;
BRELSFORD,
CANALES.

On part of the House:

FAULK, Chairman;
CHAMBERS,
MEACHUM.

On part of the Senate.

On motion of Senator Faulk, the above report was adopted.

SENATE BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate, after its caption had been read,

Senate bill No. 70. (See Appendix "A" for bill in full.)

HOUSE BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read,

House bill No. 196, a bill to be entitled "An Act to create a more efficient road system for Caldwell county, Texas," etc.

House bill No. 173, a bill to be entitled "An Act to amend the Acts of the Twenty-eighth Legislature of Texas (Laws of Special Session, Chapter 1), entitled 'An Act to render more efficient and effective the present road law in the State of Texas in its application and operation in the counties of Guadalupe, Caldwell, Bee, Jackson, Grimes, Comal, Colorado, Hays, Gillespie, Wood, Jefferson and Maverick; and to authorize and empower the said counties to issue bonds for the construction or purchasing of bridges and construction and maintenance of public roads and highways within the said counties, and regulating the compensation of certain officers," by omitting the county of Caldwell from said Act.

House bill No. 444, a bill to be entitled "An Act to amend Section 91 of an Act entitled 'An Act to incorporate the city of Sherman in Grayson county, Texas, and to fix the boundaries therefor and to provide for its government and the management of its affairs,' passed by the Twenty-fourth Legislature, as amended by an Act of the Twenty-seventh Legislature, entitled 'An Act to amend Sections 91, 93 and 176 of an Act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and management of its affairs,' passed by the Twenty-fourth Legislature, and to repeal all laws or parts of laws in conflict therewith, and declaring an emergency, so as to confer upon said city the power to pay off the judgment of W. C. Conner et al. against it."

House bill No. 445, a bill to be entitled "An Act to amend Section 92 of an Act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof and to provide for its government, and management of its affairs,' passed by the Twenty-fourth Legislature, as amended, and to repeal all laws or parts of laws in conflict therewith, and to declare an emergency," so as to give said city power and means to pay off the judgment of W. C. Conner et al. against it.

(Lieutenant Governor Neal in the chair.)

ADJOURNMENT.

Senator Meachum moved that the Senate adjourn till Monday morning at 10 o'clock.

Senator Hicks moved that the Senate adjourn till Tuesday morning at 10 o'clock.

Action being on the longest time first, the yeas and nays were demanded, and the roll call developed no quorum, voting as follows:

Yeas—4.

Barrett.	Harper.
Faust.	Hicks.

Nays—16.

Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Griggs.	Skinner.
Hanger.	Stone.
Hill.	Terrell.
Holland.	Willacy.

Absent.

Beaty.	Hawkins.
Brachfield.	Martin.
Glasscock.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Harbison.	

Senator Faulk then moved that the Senate adjourn until tomorrow morning at 10 o'clock, which motion was adopted.

APPENDIX A.

ENROLLING DEPARTMENT.

Committee Room,
Austin, Texas, March 17, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 70, being "An Act to authorize the Texas and New Orleans Railroad Company to sell the line of railroad now owned by it, extending from the city of Dallas to Sabine Pass, with the franchises and other property thereunto appertaining, to any railroad company heretofore incorporated under the law of this State which does not own or have under its control a parallel or competing line, or to any railroad company which may be hereafter incorporated under the laws of this State with power to operate a railroad between the city of Dallas and Sabine Pass, to authorize any such railroad company to purchase, own and operate said line of railroad with the franchises and other property thereunto appertaining. And to authorize such purchaser to construct, own, operate and maintain, or to amend its charter so as to authorize it to construct, own, operate and maintain, a railroad from a connection with the line so purchased, to the State

penitentiary at the town of Rusk, in Cherokee county, Texas, and granting to the said purchaser the right to use, jointly with the State, the railroad belonging to the State, connecting the said State penitentiary with the St. Louis Southwestern Railroad Company of Texas at the town of Rusk." Be it enacted by the Legislature of the State of Texas:

Section 1. That the Texas and New Orleans Railroad Company be and it is hereby authorized to sell the line of railroad now owned by it, extending from the city of Dallas, in Dallas county, through the counties of Dallas, Kaufman, Henderson, Anderson, Cherokee, Rusk, Nacogdoches, Angelina, Jasper, Tyler, Hardin and Jefferson to its present terminus at or near Sabine Pass, with the franchises and other property thereunto appertaining, to any railroad company heretofore incorporated under the laws of this State which does not own or have under its control a line of railroad parallel or competing with said line, or to any railroad company which may be hereafter incorporated under the laws of this State with power to operate a railroad from the city of Dallas through said counties to Sabine Pass; and any railroad company heretofore incorporated under the laws of this State, which does not own or have under its control a line of railroad parallel or competing with said line, and any railroad company which may be hereafter incorporated under the laws of the State with power to operate a railroad from the city of Dallas through the said counties to Sabine Pass be and any such railroad company is hereby authorized to purchase, own and operate said line of railroad, with the franchises and other property thereunto appertaining.

Sec. 2. That in case said Texas and New Orleans Railroad Company shall sell said line of railroad, pursuant to authority conferred by this act, the railroad company purchasing the same may as part of the consideration therefor assume the payment of and indemnify said Texas and New Orleans Railroad Company against liability upon the principal and interest of the bonds of the said Texas and New Orleans Railroad Company now secured by mortgages wholly or in part upon said line of railroad or such portion of the principal and interest upon said bonds as may be agreed upon between said Texas and New Orleans Railroad Company and the railroad company purchasing said line of railroad.

Sec. 3. That said line of railroad with the franchises and other property thereunto appertaining shall be bound

and liable upon and after any such sale to the same extent that it is now bound or liable, and no debt or claim arising out of the operation of said line of railroad, whether upon contract or from tort or otherwise, shall be in any way affected or impaired by any such sale, and any such claim of any character whatsoever existing at the time of such sale shall or may be prosecuted after any such sale in the same manner as if no such sale had been made.

Sec. 4. That no sale, provided by this act, shall be valid unless authorized or approved by vote in person or by proxy of the holders of at least three-fourths in value of the outstanding capital stock of the said Texas and New Orleans Railroad Company and by a like vote of the stockholders of the railroad company purchasing the property sold. A copy of each resolution authorizing or approving such sale and purchase, with a statement of the number of shares voted in favor thereof, certified to be true and correct by the secretary of the company under the seal of the corporation, shall be filed in the office of the Secretary of State within sixty days after the adoption of such resolution, and when so filed the same shall be recorded by the Secretary of State, and such record shall constitute sufficient evidence of such vote; and any deed or deeds conveying the line of railroad, with the franchises and other property thereto appertaining, authorized by this act to be sold, shall be filed in the office of the Secretary of State within sixty days after the execution of the same, and when so filed the same shall be recorded by the Secretary of State, and such record shall constitute sufficient evidence of such sale and conveyance, and of the acceptance of the terms, provisions and conditions of this act by the parties thereto.

Sec. 5. No railroad or other corporation organized under the laws of this State, or of any other State, or of the United States, which owns the stock of or the property or franchise of any parallel or competing line of railway shall be authorized to purchase the railway property of the Texas and New Orleans Railroad Company herein authorized to be sold. The Railroad Commission of Texas is hereby vested with full power to review any sale of said property and shall have access to all papers, contracts or agreements of sale or transfer to enable it to determine whether any sale proposed to be made is or will in good faith be a transfer of said property to an independent corporation or owner, and the Texas and New Orleans Railroad Company is

hereby required to submit any and all such contracts or agreements of sale together with the name of the purchasing corporation and a list of their stockholders of record at the time of said purchase, to enable the Railroad Commission of Texas to determine whether such sale is in conformity with this act. If said Railroad Commission of Texas finds from the evidence submitted to it as required above, or that may be secured by it, that such sale would not in good faith transfer the ownership, control and management of same to an independent ownership and management and independent of its present ownership, then such sale shall not be confirmed and the Railroad Commission of Texas shall enter its order disapproving of such sale or transfer under the terms of this act, and shall file with the Secretary of State its findings and order disapproving said sale, and in that event such sale shall be void. If such sale is approved by the Railroad Commission of Texas, its order of approval shall be filed and recorded in the office of the Secretary of State.

Sec. 5a. In the event a sale is consummated in accordance with the foregoing provisions of this act, then the purchaser is hereby authorized to construct, own, operate and maintain, or to amend its charter so as to authorize it to construct, own, operate and maintain, a line of railroad from any point on the line of the railroad so purchased to the State penitentiary, located at the town of Rusk, in the county of Cherokee, Texas, and there connect with a line of railroad owned by the State of Texas connecting the said State penitentiary with the town of Rusk, and the said purchaser shall construct and put in operation such railroad from a point on the line so purchased to the said State penitentiary within two years from and after the date of such purchase; otherwise the powers, rights and privileges granted by this act shall be forfeited. Provided, that the citizens of the town of Rusk and of Cherokee county shall secure and donate or tender within six months from and after the date of such purchase, a right of way 200 feet in width over such route as the purchaser may designate, for the construction of such new line, together with adequate right of way, terminal and depot grounds in the town of Rusk, said donation to convey good title to such right of way, terminal and depot grounds to said purchaser. Upon the completion by the said purchaser of the line of road connecting the railroad purchased with the said State penitentiary, the said purchaser, its successor or

assigns, shall enjoy, and the right is hereby granted to it to enjoy, jointly with the State of Texas, for a period of ninety-nine years, the right to operate, free of cost, its cars, engines and trains over the track belonging to the State of Texas connecting the said State penitentiary with the St. Louis Southwestern Railway Company of Texas, approximately one mile and a half in length, and shall also enjoy the right to take from the said State penitentiary such a supply of water as it may elect to take for use in connection with the operation of its railroad.

Sec. 6. This act shall be deemed a public statute of this State, and all courts shall take judicial notice of the same.

Sec. 7. That the large amount of business remaining to be disposed of at this session and the public benefit to be derived from the passage of this act create an imperative public necessity and emergency for authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and such rule is hereby suspended, and it is hereby enacted that this act shall take effect and be in force from and after its passage.

And find the same correctly enrolled, and have this day at 11 o'clock a. m. delivered the same to the Governor for his approval.

TERRELL, Chairman.

APPENDIX B.

COMMITTEE REPORTS.

(Judiciary No. 1.)

Committee Room,

Austin, Texas, March 17, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 293, a bill to be entitled "An Act to amend Article 642, Chapter 130, of the Acts of the Regular Session of the Twenty-fifth Legislature, entitled 'An Act to amend Articles 642 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, relating to corporations,' and to add to said Article 642 a new subdivision, to be known as Subdivision 64, providing for the organization of companies for constructing, operating and maintaining causeways or causeways and bridges, with authority to borrow money and issue bonds without the

amount of such issue being limited by the provisions of Article 653 of the Revised Civil Statutes of the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying committee substitute bill pass in lieu thereof.

HICKS, Chairman.

C. S. S. B. No. 293.) (By Committee. A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, by adding to said Article 642 a new subdivision to be known as Subdivision 64 providing for the organization of companies for constructing, operating and maintaining causeways or causeways and bridges, with authority to borrow money and issue bonds, without the amount of such issue being limited by the provisions of Article 653 of the Revised Civil Statutes of the State of Texas, with right to demand, receive and collect charges as fares or tolls.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 642 of the Revised Civil Statutes of the State of Texas, as amended by Chapter 130 of the General Laws of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, be amended by adding thereto Subdivision 64, to read as follows:

64. For the organization of companies for constructing, operating and maintaining causeways or causeways and bridges, which may be used for any and all modes of travel and transportation, with the right to demand, receive and collect charges as fares or tolls. Any company organized under this subdivision, that shall construct a causeway and bridge of at least one mile in length across any bay or arm of the sea contiguous to a city having not less than twenty thousand inhabitants, within this State, shall have authority to borrow money and issue bonds without being limited in the amount of such issue by the provisions of Article 653 of the Revised Civil Statutes of this State.

Section 2. Whereas, it is desirous of constructing causeways with a

view of facilitating and aiding transportation between the islands in this State and the mainland, and

Whereas, The present session of the Legislature is nearing its close, and the calendars of the Senate and House are in a crowded condition, therefore the emergency exists and an imperative public necessity demands that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

CITY AND TOWN CORPORATIONS.

(Majority.)

Committee Room,

Austin, Texas, March 16, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

House bill No. 55, a bill to be entitled "An Act to authorize the city council of all cities and towns incorporated under the General Laws of this State to regulate the charges and fix the rates to be charged by all companies, corporations or persons engaged in supplying water, gas, light, telephones or sewerage to the public within the limits of said cities and towns and occupying the streets and other public places for that purpose; and to prescribe reasonable rules and regulations therefor, and to protect said companies, corporations or persons from imposition,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying substitute bill do pass in lieu thereof.

BEATY, Chairman.

S. C. S. B. for H. B. No. 55.)

(By Committee.

A bill to be entitled An Act to provide a method by which city councils of cities and towns incorporated under the general or special laws of this State may secure the regulation of the rates to be charged by public utility corporations engaged in supplying water, gas, light, telephones and sewerage to the public; conferring upon District Courts the power to regulate the rates of such corporations, defining such corporations, providing penalties for all violations of the act, and declaring an emergency.

Section 1. Be it Enacted by the Legislature of the State of Texas:

All extortionate and unreasonable

rates charged by public utility corporations, as hereinafter defined, are hereby declared to be unlawful, and the District Courts of this State are hereby vested with jurisdiction and full power and authority to regulate, prevent and abolish the same, and to this end said courts are given the power and authority whenever the public interest may require, to fix and establish rates for the service and products of all public utility corporations, and whenever the public interest may require, and to carry out the powers herein conferred said courts are expressly authorized to issue injunctions, quo warranto and all other writs for the purpose of carrying out and making effective the purposes of this act, and said writs shall be governed by the rules and regulations now prescribed by law, provided that no proceeding shall be begun in a District Court having for its purpose the fixing of rates of public utility corporations until and unless the City Council of the city or town desiring to invoke the power herein conferred upon the District Courts, shall comply with the provisions of Section 2 of this act.

Sec. 2. If the City Council of any city or town incorporated under the general laws of this State shall desire to invoke the power of the District Court granted in Section 1 of this Act, such Council shall, by a two-thirds vote of all the members elected to said Council, pass a resolution setting forth the matters complained of, naming the corporation against which the complaint is made, and in a general way the reasons for such complaint, and shall cause a copy of the same to be delivered to the president, vice president or secretary of said corporation, or cause to be left a copy of said resolution at the principal office of such corporation.

Sec. 3. If within twenty days after the said corporation has been furnished with a copy of the resolution of the City Council the wrongs complained of shall not be corrected to the satisfaction of the City Council, a petition setting forth the wrongs and grievances complained of, and stating the relief sought, may be filed in the name of the city or town as plaintiff against the corporation as defendant, in any District Court of the county in which such city or town may be situated, and process shall be issued upon said petition, and be served upon such corporation as now provided by law in civil cases, and the case shall be set for trial in the same manner as other civil cases except that it shall have precedence over all cases of a different character filed in such court as to the time

of trial. Process shall issue in said cause at the instance of either party in the same manner as process is now or may hereafter issue in civil cases, and the right of trial by jury of the issues involved shall also be given upon demand of either party, as provided by law.

Sec. 4. Upon the trial of the cause, it shall be the duty of the court or jury in arriving at a decision as to whether or not the rates complained of are reasonable or extortionate, and in fixing the rates, to consider the cost of construction of the plant of the public utility corporation against which the petition is filed, the cost of the operation of such plant, its maintenance and repair, the fixed charges that may be against the corporation, amount invested in such plant, and such other matters as may be material to the issue.

After a full hearing of all the evidence adduced by the parties, the court or jury shall have power, and it shall be their duty to fix the rates which may be charged by such public utility corporation;

Provided, that the rates fixed must be sufficient to yield such public utility company not less than ten (10) per cent upon the investment and the same shall continue in force for a period of three years. The rates fixed shall be entered upon the minutes of the court, and shall be held conclusive, as reasonable, fair and just, and shall remain for three years as the rates to be charged by such corporations, unless changed or modified by the judgment of the said District Court, or by the Appellate Courts to which either of the parties to said suit may appeal, or have writ of error to the Supreme Court.

Sec. 5. If either party to the suit shall be dissatisfied with the decision of the court and the rate thereby established, an appeal may be taken by either party to the Appellate Court of the Supreme Judicial District in which such District Court may be located, and said appeal shall at once be returnable to said Appellate Court, and shall have precedence in such Appellate Court of all cases of a different character therein pending, and the said parties to said suit may have their writ of error from the Supreme Court.

Sec. 6. When final judgment is rendered in any cause fixing the rates to be charged by said corporation, the court rendering such judgment shall order in its decree the enforcement of the same, and to this end and to carry out and execute such judgment, the court is hereby specially authorized

and empowered to provide in its decree that if the same is not obeyed according to the terms thereof, the said corporation shall forfeit its charter, if the same be a domestic corporation, or its permit to do business in this State, if the corporation be a foreign corporation, and if said order or decree be violated it shall be the duty of the Attorney General or County or District Attorney, under the direction of the Attorney General, to institute suit in the District Court of the county in which such corporation may have its principal office or in Travis county, Texas, for the forfeiture of its charter or the cancellation of its permit, as the case may be, and if said charter be forfeited or permit cancelled, the offending corporation shall thereafter be prohibited from carrying on its business within this State.

Sec. 7. The public utilities included within the meaning of this Act are defined to be water companies, furnishing water to the public; gas companies, furnishing gas to the public; electric light or power companies, furnishing light or power to the public; telephone companies, furnishing telephones to the public, and sewerage companies, conducting sewerage for the public, whether said companies are incorporated under the laws of this State or of a foreign State.

Sec. 8. Any city within this State incorporated under a special law may, at its option, avail itself of the provisions of this Act, but the same shall be cumulative, of any other method which may be provided in such special charter, and this Act shall not repeal any provision of such special charter.

Sec. 9. The importance of providing some method by which cities and towns incorporated under the general law may secure the regulation of the rates charged by public utility corporations, the near approach of the end of the session, and the crowded condition of the calendar create an emergency and an imperative public necessity which requires that the constitutional rule which requires that all bills shall be read upon three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Minority Report.

Committee Room,
Austin, Texas, March 16, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: A minority of your Committee on City and Town Corporations, to whom was referred

House bill No. 55, a bill to be entitled "An Act to authorize the city council of all cities and towns incorporated under the general laws of this State to regulate the charges and fix the rates to be charged by all companies, corporations or persons engaged in supplying water, gas, light, telephones or sewerage to the public within the limits of said cities and towns, and occupying the streets and other public places for that purpose; and to prescribe reasonable rules and regulations therefor, and to protect said companies, corporations or persons from imposition."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

M'KAMY.

ENGROSSING DEPARTMENT.

Committee Room,
Austin, Texas, March 17, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate substitute bill No. 258, being "An Act to provide for the appointment and qualification of a county auditor in any county having therein a city with a population of 30,000 and over; providing for the manner of the appointment; the duties of said officer; the compensation allowed; making this Act cumulative of other provisions in the present laws; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.

BARRETT, Chairman.

INTERNAL IMPROVEMENTS.

Committee Room,
Austin, Texas, March 16, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 50, a bill to be entitled "An Act to amend Article 2439, Chapter 1, Title XLV of the Revised Civil Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

M'KAMY, Chairman.

ROADS, BRIDGES AND FERRIES.

Committee Room,
Austin, Texas, March 17, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 546, a bill to be entitled "An Act to exempt the county of Llano from the provisions and operations of Chapter 66 of the general laws of the regular session of the Twenty-seventh Legislature, relating to a special road system for the counties of Panola and Llano."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed. MARTIN, Chairman.

FORTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Saturday, March 18, 1905.
Senate met pursuant to adjournment, Lieutenant-Governor Geo. D. Neal presiding.

Roll call, no quorum present, the following Senators answering to their names:

Brachfield.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stafford.
Hawkins.	Stone.
Hicks.	Terrell.
Hill.	Willacy.

Absent.

Barrett.	Harbison.
Beaty.	Harper.
Chambers.	Meachum.
Faust.	Smith.
Hale.	Stokes.
Hanger.	

Senator Davidson moved a call of the Senate for the purpose of securing and maintaining a quorum. The call being duly seconded, the roll was called, the following Senators answering to their names:

Brachfield.	Hawkins.
Davidson.	Hicks.
Decker.	Hill.
Faulk.	Holland.
Grinnan.	Looney.
Glasscock.	Martin.
Griggs.	McKamy.

Paulus.	Stafford.
Stone.	Terrell.
Skinner.	Willacy.
Smith.	

Absent.

Barrett.	Hanger.
Beaty.	Harbison.
Chambers.	Harper.
Faust.	Meachum.
Hale.	Stokes.

ABSENTEES NOT EXCUSED.

Senators Barrett, Beaty, Chambers, Faust, Hale, Hanger, Harbison, Harper, Meachum, Stokes.

The roll call developed a quorum, and the Chair so announced.

Prayer by Chaplain, Rev. H. B. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Faulk the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Hill:

March 13, 1905.

Be it resolved by the County Commissioners Court of El Paso county (all members thereof being present), that Senator Hill and A. L. Sharpe, Senator and Representative for the Twenty-fifth Senatorial District and One Hundred and First Representative District, use their best efforts toward securing the necessary legislation in reference to the passage of an act ceding to the United States government a certain portion of the public road of El Paso county, leading from the city of El Paso to Fort Bliss, Texas.

The State of Texas, County of El Paso.

I, Park W. Pitman, Clerk of the County Court of El Paso county, Texas, do hereby certify that the foregoing is a true and correct copy of the original order, as passed, approved and adopted by the Commissioners Court of said county, now of record in said court in book 6, at page 81.

Given under my hand and seal of said court, at office in El Paso, this the 16th day of March, A. D. 1905.

(Seal) PARK W. PITMAN, Clerk.

Attest: By C. Armonder, Deputy.

By Senator Glasscock:

To the Honorable Legislature of the State of Texas:

We, the undersigned citizens and taxpayers of Burnet county do hereby petition your honorable body to repeal the special road law for Burnet county known as the Pearson road law.

Numerously signed.